

In the trial. Counsel for the Governor when asked whether or not Mrs. Sulzer would be called as a witness declined to discuss the subject.

Another witness testified that the woman who said she was Mrs. Sulzer talked to him on the telephone regarding a check for \$1,000 from Frank V. Strauss.

Many checks were offered in evidence, some of them previously brought to public attention by the Frawley committee, others revealed for the first time.

About the only thing that the Sulzer lawyers had to feel happy about today was the refusal of Judge Cullen at the very start of the session this morning to allow part of Jacob H. Schiff's testimony of the day before to be stricken out.

Judge Cullen ruled that the testimony of Mr. Schiff that he gave \$2,500 to Mr. Sulzer and did not specify what it was to be devoted to, was admissible, as was the statement that the donor would have given Mr. Sulzer that amount of money at any time he asked for it.

Contributions amounting to about \$700 were collected by Louis J. Conlon, ex-Judge of the City Court of New York, according to his testimony.

The prosecution started the day delivering into Gov. Sulzer's deposit in the Mutual Alliance Trust Company of New York, the bank where Louis A. Sarecky had his account, in which was deposited money contributed to the Governor's campaign fund.

One of the witnesses, who has been sought by the Assembly for alleged contempt, was served with a subpoena of the impeachment court this afternoon. He was found in The Hub, a hotel here, by George Mustard, sergeant at arms of the Senate. He will be put upon the stand within a few days.

**Brokers On Today.**

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The defense showed little disposition today to cross-examine witnesses who testified as to gifts to Mr. Sulzer. His lawyers insist that when the time comes they will prove that he did not misapply any money so received. What their programme is they will not disclose.

**Tax Bark for the Court.**

Albany is running over with rumors that Mrs. Sulzer will be one of the first witnesses for the defense, but no word comes from the Sulzer lawyers or the People's House.

So great was the difficulty in hearing some of the witnesses today through the high ceilinged Senate chamber that the expedient of putting down tax bark on State street to deaden the noise made by passing vehicles may be tried to-morrow. The suggestion was made by Alton B. Parker to Chief Judge Cullen when Senators in the back of the room were complaining that they couldn't hear even the most robust lawyers and witnesses.

Judge Cullen announced that if the noise continued to-morrow he would have the tax bark laid.

**MR. SCHIFF GAVE \$1,000**

TO OSCAR STRAUSS TOO

When ex-Senator Edgar T. Brackett of the prosecution's counsel announced "Jacob H. Schiff recalled" at 4:10 o'clock this afternoon two facts were instantly apparent, first that the impeachment lawyers were not satisfied that they had sounded all the depths yesterday and second that the veteran Senator Brackett was to take the witness in hand instead of Mr. Kresel, who examined him yesterday.

Mr. Brackett started without a preamble. He said: "Mr. Schiff, you stated in your testimony that you had given all of the conversation between you and William Sulzer with respect to the \$2,500 check and the purpose for which it was given."

"I think I have," was the smiling reply. "A. Quite a number of years. He has been in the office occasionally."

"I think you said that he gave you the name of Louis Sarecky?" A. He did.

"Q. How did the name of Sarecky come to be mentioned?" A. When Mr. Sulzer said draw a check to the order of Louis A. Sarecky.

"Q. Did he tell you who Sarecky was?" A. He did not.

"Q. Did he tell you whether Sarecky had any relations, business or otherwise, with him?" A. He did not. The name of Louis A. Sarecky was put down on a piece of paper in the room where I was sitting. I do not know whether it was Mr. Sulzer's or Mr. Sarecky's. I cannot say. I have lately looked at that piece of paper, having by accident seen it, and I find the name was not plainly spelled, and I wrote across it exactly how it was spelled. Probably Mr. Sulzer told me how it was spelled.

**Tore Up Sarecky's Name.**

"Q. Well, have you the piece of paper here?" A. I have torn it up.

"Q. When, A. About two weeks ago. I should say."

"Q. Since you knew that this subject was under investigation?" A. I paid no attention to that piece of paper. I accidentally discovered it when I tore it up.

"Q. Had you ever given Mr. Sulzer checks before?" A. Not that I can recollect.

"Q. It was given to him for the reason that he was a candidate for Governor?" A. I suppose if he had not been a candidate for Governor that such discussion would not have come up at all.

"Q. And per consequent the check would not have been given?" A. I don't know about that. I think that if Gov. Sulzer had come to me at any time for a check for \$2,500 I would have given it to him.

"Q. Had you heard of any change of circumstances of William Sulzer at any time previous to this \$2,500 check except his nomination?" Whether he had suffered reverses or troubles of any kind except his nomination? A. I had not.

"Q. You had not for at least a year prior to this time given him any checks, and you do not recall that you ever did?" A. I do not recall that I ever gave him any money of any kind.

"Q. Is the notation on the front of the check, on the corner, and which you say was not put on until the year—some time in the year 1913—prior to the time that check went to Mr. Richards, the counsel for the Frawley committee, is that in your own handwriting?" A. It is.

"Q. Did you intend to put on there truthfully and correctly the purpose for which the check had been drawn?"

**Sulzer Lawyer Objects.**

Mr. Marshall objected that this was cross-examination of the witness and a repetition of what was gone into yesterday.

Presiding Judge Cullen said: "He cannot impeach any witness of course; he cannot ask discrediting questions; he cannot show that he has made other declarations elsewhere. But he can really cross-examine him, yes, by the way of getting it out."

Judge Bartlett, however, also objected that those matters were covered yesterday, and Judge Cullen ruled: "He may answer the question as it has been put and then they need not say further."

Mr. Schiff requested that his answers yesterday be read. This was denied, so Mr. Schiff said:

"Mr. Richards was standing at my desk and asked for the check. I promised to give him the check. As I explained yes-

## Figures in Yesterday's Testimony



Mrs. William Sulzer

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entitled to election, and my hopes were that he would be elected, and feeling strongly of his merits, on his merits, I was a little doubtful that he would be elected."

Mr. Schiff then left the stand.

## SULZER WAS CHARY OF GIVING RECEIPTS

The morning session opened with a fight by the lawyers for the impeachment managers on the admissibility of part of the testimony given yesterday by Jacob H. Schiff that he had not specified to what purposes the \$2,500 check should be devoted. Ex-Senator Brackett moved to strike out Mr. Schiff's answer as "entirely incompetent and improper." There was a long argument upon this point. Mr. Marshall answering for the defense and contending that the answer was competent, that it plainly defined the purpose and intent of the giver.

At this point the lawyers for the defense won their first victory in a contention before the court. Judge Cullen decided to allow the Schiff testimony to stand as it was. He gave notice that he might later change this ruling after a glance through the authorities.

The first witness was Thomas M. Godwin of the Farmers Loan and Trust Company of New York. He was on the stand yesterday and today continued his work of identifying checks and deposit slips. Five deposit slips bearing the name "William Sulzer" were identified by him and also a check of "Strauss and Company."

He was asked for an opinion as to whether the indorsement was that of William Sulzer.

"I am inclined to the opinion that that is the signature of William Sulzer," he said.

The deposit slips covered a period from September 12, 1912, to December 28, 1912, and made a total of \$14,400. It is understood that the prosecuting lawyers will try to show later that this represents money Gov. Sulzer diverted from his campaign fund to his private account.

**Elkus Letter and Check.**

The second witness was Abram I. Elkus, the New York lawyer and member of the State Board of Regents, whose check for \$500 to Mr. Sulzer was discovered by the Frawley committee. Mr. Elkus said he had known the Governor for twenty years but did not claim any particular intimacy with him. He identified a letter and check he gave the Governor. It was upon the Plaza branch of the Union Trust Company of New York. It said: "Pay to the order of William Sulzer" and was indorsed "William Sulzer."

Mr. Sulzer's reply was read and an argument that followed ended speedily. Mr. Elkus's tenure of the witness chair. The president: That was his interpretation of the subject. The witness: That was his interpretation of the subject. The witness: That was his interpretation of the subject.

**No Mention of \$500 Check.**

"Many thanks for your very kind letter of congratulations. I appreciate every word you say and all that you have done."

"I suppose, Mr. Elkus," said Mr. Stanchfield, "it did not escape your attention that there was no reference in the acknowledgement to the receipt of the check."

Objection was raised and the witness was not allowed to answer.

An interesting letter was this, written on October 22, 1912, and presented next in evidence:

"Mutual Alliance Trust Company."

"GENTLEMEN: This is to inform you that I have authorized my private secretary, Mr. Louis A. Sarecky, to make out a check for any amount of money to be paid to my campaign fund and to deposit same to his credit. Very truly yours,

"WILLIAM SULZER."

**SULZER GOT BREWERS' INFLUENCE AND CASH**

Charles A. Stadler, former State Senator and now president of the American Malt Company of New York, was the first witness to tell of Sulzer checks from the brewing interests. Mr. Stadler told of visiting Mr. Sulzer at his home, 115 Broadway, before the nomination. The interview took place in Mr. Stadler's office at 115 Broadway. Frank A. White, a New York City salesman for the American Malt Company, were present.

"Mr. Stadler informed me," Mr. Stadler testified, "that he was candidate for Governor and required the help of his friends. He said that he had known me for some time and thought that I might help him in his campaign."

He said: "You can help me in more than one way, and I need the help of my friends."

The witness and Mr. Stadler again accepted an invitation to call on Mr. Stadler. "The conversation was of the general topic of the political situation pending."

Mr. Stadler said that he had been asked to help Mr. Stadler in a general way, and that he had agreed to do so. He said: "You can help me in more than one way, and I need the help of my friends."

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## \$14,000 in Checks Deposited by Sarecky

These checks, totalling \$14,000, were deposited with the Mutual Alliance Trust Company between September 10, 1912, and January 1 last:

Jacob H. Schiff	\$2,500.00
Peter Decker	250.00
Hugo Haupt	10.00
J. E. Gude & Co.	25.00
Nelson Smith	10.00
John Armstrong	10.00
Morris Teubal	50.00
Andrew F. Schaefer	40.00
Sam Hurler	50.00
George W. Neill	50.00
David Gerbe	150.00
William F. Carroll	10.00
William B. Doud	15.00
McGrane Cox	200.00
Samuel Bauman	50.00
A. Stier	100.00
W. Penney	50.00
J. M. Delehanly	110.00
Leo Schlesinger	200.00
E. Neufeld	25.00
R. J. Cuddihy	50.00
S. Uhlman	300.00
C. G. Frie	10.00
W. H. Miller	250.00
R. Frie	250.00
W. E. Curtis	100.00
Henry Block	100.00
Charles Thorndy	100.00
Standard Finance Company	25.00
J. M. Gardner	200.00
John B. Judson	100.00
T. Schlesinger	30.26
Mos Rosen	11.51
Bird S. Coler	100.00
M. F. O'Donoghue	10.00
Theresa Schlesinger	12.70
Samuel Payer	25.00
Joseph W. Kay	100.00
L. N. Rosenbaum	100.00
L. B. Gray	50.00
L. F. Doyle	100.00
B. Simagin	20.00
J. Temple Gushney	100.00
Thomas E. Rush	500.00
W. E. Senkin	25.00
C. J. Pinckney	200.00
F. J. Cima	208.33
Daniel M. Brady	100.00
John F. O'Brien	50.00
Isaac Purdy	250.00
John Standish	25.00
O. J. Gude	100.00
Jacob A. Jacob	500.00

liver cash instead of checks to the prospective candidate. Presiding Judge Cullen asked:

"The witness, did you have any personal talk with the respondent Sulzer on the subject of getting cash instead of checks?"

Mr. Stadler answered: "Yes, sir."

"What did you tell him?" he asked.

"Mr. Stadler said in the presence of Mr. Sulzer, that Mr. Stadler had requested him to give him \$1,000, and that he had agreed to do so."

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